## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ROBERT JOSEPH FIORE, II,	)	
Plaintiff,	)	
v.	)	1:14CV731
CAPTAIN MILEM,	)	
Defendant.	)	

## MEMORANDUM OPINION AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

This prisoner civil rights action comes before the Court on Defendant Milem's Motion for Summary Judgment [Doc. #43], and Plaintiff Fiore's Motion for Summary Judgment [Doc. #40]. Plaintiff Fiore is proceeding *pro se*, and the Motions are now fully briefed. For the reasons set out below, Defendant's Motion for Summary Judgment should be granted, Plaintiff's Motion for Summary Judgment should be denied, and this action should be dismissed.

## I. FACTS, CLAIMS, AND PROCEDURAL HISTORY

Plaintiff's claims in this case challenge the withholding of his mail while he was a pretrial detainee at the Rowan County Detention Center ("detention center"). Plaintiff claims that Defendant Milem, who was a captain with the sheriff's department and the jail administrator, unlawfully interfered with and delayed the delivery of his legal mail. In response, Defendant Milem has moved for summary judgment, contending that even accepting Plaintiff's version of events, Plaintiff's constitutional rights were not violated. Defendant Milem further contends that even assuming there was a constitutional violation, he is entitled to qualified immunity.